

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DEEJAYZOO LLC,

Plaintiff,

19-cv-8688 (PKC)

-against-

ORDER

KAZ KONSULTING, LLC, et al.,

Defendants.
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CASTEL, U.S.D.J.

Plaintiff request permission to file Final Pretrial Submissions sixty days hence. The request does not sound unreasonable unless it is known that plaintiff is in default of its obligations under the Order requiring the filing of the Submissions on September 17, 2021 and no adjournment was sought.

On August 11, 2021, two months ago, the Court set a schedule for Final Pretrial Submissions with the following directive:

Plaintiff's proposed voir dire, proposed verdict sheet, proposed jury instructions and its motions in limine shall be filed by September 17, 2021, with a copy of the voir dire, verdict sheet and jury instructions delivered in MS Word format. Also, by September 17, 2021, it shall deliver to defendant in MS Word format its portion of the proposed Joint Pre-Trial Order.

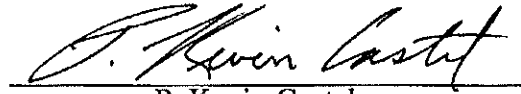
Plaintiff did not seek an extension of the schedule and did not comply with the September 17 deadline. On October 8, Mr. Davidoff wrote this Court that he is newly-retained counsel and seeks 60 additional days to file the Final Pretrial Submissions. Davidoff asserts that "regrettably, former counsel for plaintiff did not adhere to the August 11, 2021 Order setting forth pre-trial deadlines (ECF 56)."

Plaintiff's "former counsel" is not its former counsel and remains counsel of record, although it sought leave to withdraw after the September 17 deadline was missed.

Plaintiff is a sophisticated business that has been in existence since 2013. It is in default of its obligations. Defendants have complied with the obligations imposed on them under the August 11, 2021 Order.

It is pointless to set a new deadline when the plaintiff is out of compliance with the existing one. Plaintiff shall comply with the August 11, 2021 Order forthwith. If compliance is not forthcoming in 14 days, defendants may move to dismiss the action, inter alia, under Rules 16(f) & 41, Fed. R. Civ. P., and/or other relief, and the pre-motion letter requirement is waived.

SO ORDERED.


P. Kevin Castel
United States District Judge

Dated: New York, New York
October 12, 2021